

AUG 24 2005

PTO/SDB/1 (09-04)

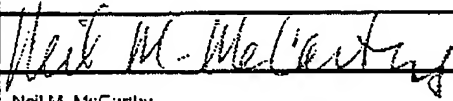
Approved for use through 07/31/2006, OMB 0001-0001

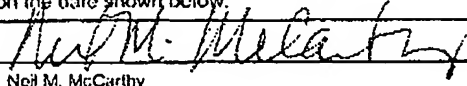
U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

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| | | | |
|---|----------------------|------------------------|-------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/816,376 | |
| | Filing Date | April 2, 2004 | |
| | First Named Inventor | Claude SINGER et al. | |
| | Art Unit | 1623 | |
| | Examiner Name | E. Peselov | |
| Total Number of Pages in This Submission | 5 | Attorney Docket Number | 1662/492021 |

| ENCLOSURES (check all that apply) | | |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below) |
| Remarks This Response is being filed by facsimile to the United States Patent and Trademark Office to 703-872-9306. | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|--|--|----------|--------|
| Firm | Kenyon & Kenyon | | |
| Signature |  | | |
| Printed Name | Neil M. McCarthy | | |
| Date | August 24, 2005 | Reg. No. | 43,435 |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
|---|---|------|-----------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | |
| Signature |  | | |
| Typed or printed name | Neil M. McCarthy | Date | August 24, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO in process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 580398_1.doc

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PTO/US 17 (10-03)

Approved for use through 07/31/2006 OMB 0651-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003 Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

0

Complete if Known

Application Number 10/016,376

Filing Date April 2, 2004

First Named Inventor SINGER et al.

Examiner Name E. Puscolov

Art Unit 1623

Attorney Docket No 16629492021

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit AccountDeposit
Account
Number

11-6600

Deposit
Account
Name

Kenyon & Kenyon

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee
to the above identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description | Fee Paid |
|--------------------------|--------------------------|--------------------------|--------------------------|------------------------|----------|
| 1001 | 770 | 2001 | 285 | Utility filing fee | |
| 1002 | 340 | 2002 | 170 | Design filing fee | |
| 1003 | 330 | 2003 | 205 | Plant filing fee | |
| 1004 | 770 | 2004 | 385 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 7 | 40 ** | 0 | 0 |
| Independent Claims | 1 | 0 | 0 |
| Multiple Dependent | 0 | 200 | 0 |

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description |
|--------------------------|--------------------------|--------------------------|--------------------------|--|
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 88 | 2201 | 43 | Independent claims in excess of 3 |
| 1203 | 200 | 2203 | 145 | Multiple dependent claims, if not paid |
| 1204 | 88 | 2204 | 43 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$)

**in number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description | Fee Paid |
|--------------------------|--------------------------|--------------------------|--------------------------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 2053 | 65 | Non English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for reexamination | |
| 1804 | 920* | 1804 | 460* | Requesting publication of SIR prior to examiner action | |
| 1805 | 1,840* | 1805 | 920* | Requesting publication of SIR after examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month | |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unintentional | |
| 1453 | 1,520 | 2453 | 665 | Petition to revive - intentional | |
| 1501 | 1,230 | 2501 | 665 | Unity issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Postpones to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17 (q) | |
| 1808 | 180 | 1808 | 180 | Submission of Information Disclosure Sheet | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1010 | 770 | 2810 | 385 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

SUBMITTED BY

Complete if applicable

| | | | | | |
|-------------------|-----------------|----------------------------------|-----------------|-----------|--------------|
| Name (Print/Type) | Nat M. McCarthy | Registration No (Attorney/Agent) | 43,435 | Telephone | 202-220-4200 |
| Signature | Nat M. McCarthy | Date | August 24, 2005 | | |

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CENTRAL FAX CENTER

Reissue Application No. 10/816,376
Attorney Docket: 1662/492021

AUG 24 2005
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue of U.S. 6,365,574 B2

Confirmation No.: 9531

In Re Reissue Application of:

Applicant: Claude SINGER et al.

Serial No. 10/816,376

Filed: April 2, 2004

Group Art Unit: 1623

Examiner: E. Peselev

For: ETHANOLATE OF AZITHROMYCIN, PROCESS FOR MANUFACTURE,
AND PHARMACEUTICAL COMPOSITIONS THEREOF

SUPPLEMENTAL RESPONSE

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants timely filed a Response to the Office Action dated March 30, 2005 on June 30, 2005. Supplemental responses were filed on July 6, 2005 and again on August 19, 2005. The latter supplement response included an unexecuted Declaration of Dr. Judith Aronhime filed under 37 C.F.R. § 1.132. On August 22, 2005, the executed Declaration of Dr. Aronhime was filed. Applicants respectfully request entry of the following amendments and reconsideration of the pending claims. No fee is believed to be due; however, the Commissioner is hereby authorized to charge any payment due in connection with these papers to Deposit Account 11-0600.